

Remarks

As an initial matter, Applicants' representatives, Paul Bianco and Hugh Mansfield, appreciate the courtesies extended by Examiner Mia during a telephone interview conducted May 23, 2006. These amendments and remarks presented herein reflect those discussed during the interview, and Applicants respectfully submit that this Amendment satisfies the requirements of MPEP §713.04.

Claims 1-4, 8-11, 14, and 16-21 are pending and presented for the Examiner's review and consideration. Claim 1 has been amended, and claims 5-7, 12, 13, 15, and 22-26 are cancelled. Applicants believe the claim amendments and cancellations and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

35 U.S.C. §112 Rejections

Claims 1-7, 12, 14, 18-21, 22, 25, and 26 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 5-7 and 12 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants respectfully submit that these rejections should be withdrawn.

As discussed during the telephone interview, Applicants have amended independent claim 1 to include, *inter alia*, at least about 58% by weight Ni. Support for this amendment may be found on page 13, Table 3 of the specification.

Accordingly, Applicants submit that independent claim 1 complies with §112, first paragraph. Based on their dependencies, Applicants submit that claims 2-4, 14, and 18-21 also met the requirements of §112. In order to expedite prosecution, Applicants have cancelled claims 5-7, 12, 22, 25, and 26. It should be understood that the claim cancellations are being made to expedite prosecution and should not be construed that the claims do not meet the requirements of §112.

35 U.S.C. §103 Rejection

Claims 22-24 and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,530,972 to Akimoto *et al.* ("Akimoto") in view of U.S. Patent No. 6,316,100 to Kudas *et al.* ("Kudas"). In order to expedite prosecution, Applicants have cancelled claims 22-24 and 26. It should be understood that the claim cancellations are being made to expedite prosecution and should not be construed that the claims are unpatentable of Akimoto in view of Kudas.

Reinstatement of Withdrawn Claims

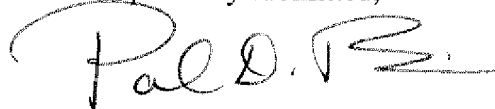
Applicants respectfully request reinstatement of withdrawn claims 8-11, 16, and 17. These claims depend from independent claim 1 which was indicated as being generic.

Conclusion

In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

No fee is believed to be due. However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 7012-X04-002).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul D. Bianco", with a stylized flourish at the end.

Martin Fleit, Reg. # 16,900

Paul Bianco, Reg. # 43,500

Customer Number: 27317
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO, P.L.
21355 East Dixie Highway, Suite 115
Miami, Florida 33180
Tel: 305-830-2600; Fax: 305-830-2605